

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

April 13, 2009

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No. 08-40272

Summary Calendar

Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

MARTIN PADILLA

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 5:03-CR-216-1  
\_\_\_\_\_

Before JONES, Chief Judge, and STEWART and OWEN, Circuit Judges.

PER CURIAM:\*

In October 2003, Martin Padilla, federal prisoner # 19691-179, was convicted by jury verdict of possession with intent to distribute an amount in excess of five kilograms of cocaine and was sentenced to 121 months of imprisonment and five years of supervised release. In February 2008, at a time when he had no actions pending, Padilla filed a motion requesting production of the grand jury testimony from his criminal case. Padilla has not provided a valid jurisdictional basis for his motion. *See United States v. Carvajal*, 989 F.2d

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

170, 170 (5th Cir. 1993). Even if it is assumed that a jurisdictional basis for the motion exists, the district court properly denied that motion because Padilla failed to show a particularized need for the grand jury transcripts. *See United States v. Miramontez*, 995 F.2d 56, 59-60 (5th Cir. 1993). The district court's judgment is AFFIRMED.